

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72281 of 2023

Arising Out of PS. Case No.-562 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. MITHLESH KUMAR GUPTA SON OF LATE TULSI SAW R/O VILLAGE - PACHAR, P.S.- RAFIGANJ, DISTRICT- AURANGABAD
 2. MD. SAKIB HASAN SON OF LATE SAFI AHMAD R/O VILLAGE - PACHAR, P.S.- RAFIGANJ, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar
2. RINKU DEVI W/O MUNNA SAW R/O MOHALLA- BHUSUNDA BALAPAR, P.S.- MUFFASIL, DISTRICT- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 23-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 120(B), 420, 504, 323 and 354/34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submits that O.P. No.2 despite receiving notice chooses not to appear and contest. It is next submitted that petitioners are persons with clean antecedent and the complainant alleges that an agreement was entered in between her mother-in-law and the petitioners for purchasing a piece of



land for which an amount of Rs.1,00,000/- was given to the petitioners by the complainant on behalf of her mother-in-law by way of advance but later the complainant came to know that the land for which the agreement for sale has been entered was sold earlier, as such, when she demanded her advance amount, the petitioners refused to return the same and even assaulted her.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that no doubt an agreement was entered in between the parties but then no amount by way of advance was given by the complainant to the petitioners. It is further submitted that the complainant in the complaint petition alleges that an amount of Rs.1,00,000/- was given in cash but then no receiving with respect to the same is there on record, as such, the complainant was noticed but then complainant chooses not to appear and contest. It is also submitted that if what has been alleged in the complaint is true, in that event, the complainant ought to have approached the court of competent civil jurisdiction for getting her money back but then a criminal case came to be instituted only with an intent to coerce the petitioners into submission so that they agree to pay the fanciful demand of the complainant under fear of arrest.



5. Learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by learned counsel for the petitioners, let petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Complaint Case No.562/2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

